



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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December 30, 2021

AMENDED
PUBLIC HEARING NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

NOTICE IS HEREBY GIVEN THAT the Mendocino County Subdivision Committee and Coastal Permit Administrator will consider the following project on Thursday January 13, 2022. The Subdivision Committee will consider the boundary line adjustment at 9:00 a.m., or soon thereafter. The Coastal Permit Administrator will conduct a public hearing to consider issuance of a coastal development permit on the boundary line adjustment, commencing at 11:00 a.m., or soon thereafter.

This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or orally via Telecomment, and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: B_2021-0050

DATE FILED: 9/15/2021

OWNER: WALTER & DONNA STORNETTA

APPLICANT: VANCE RICKS

AGENT: DAVID STORNETTA

REQUEST: Coastal Boundary Line Adjustment to reconfigure 4,356± feet (0.1 acre) between two separate legal parcels. Parcel A (APN: 131-110-47) will decrease from 2.4± acres to 2.3± acres and Parcel B (APN 131-110-40) will increase from 71.4± acres to 71.5± acres.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, approximately 4.91± miles north of downtown Manchester on the west side of State Route 1 (SR 1) 0.77± miles north of its intersection with Navarro Way; located at 44100 Stornetta Drive Manchester; APNs: 131-110-40 and 131-110-47.

SUPERVISORIAL DISTRICT: 4 (Gjerde)

STAFF PLANNER: KEITH GRONENDYKE

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than January 12, 2022. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org.

To submit public comments via Telecomment, a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

Action by the Subdivision Committee and Coastal Permit Administrator shall be final unless appealed to the Board of Supervisors. The appeal must be filed in writing with a filing fee with the Clerk of the Board within 10 calendar days after such action. If appealed, the decision of the Board of Supervisors shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services, the Subdivision Committee or Coastal Permit Administrator, at or prior to, the public hearings.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

IGNACIO GONZALEZ, Interim Director of Planning and Building Services



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- COASTAL BLA**

**JANUARY 13, 2022
B_2021-0050**

SUMMARY

OWNER: WALTER STORNETTA
44100 STORNETTA ROAD
MANCHESTER CA 95459

APPLICANT: VANCE RICKS
10580 WEST ROAD
REDWOOD VALLEY CA 95470

AGENT: DAVID STORNETTA
1675 BEE CANYON ROAD
ARROYO GRANDE CA 93420

REQUEST: Coastal Boundary Line Adjustment to reconfigure 4,356± feet (0.1 acre) between two separate legal parcels. Parcel A (APN: 131-110-47) will decrease from 2.4± acres to 2.3± acres and Parcel B (APN 131-110-40) will increase from 71.4± acres to 71.5± acres.

LOCATION: In the Coastal Zone, approximately 4.91± miles north of downtown Manchester on the west side of State Route 1 (SR 1) 0.77± miles north of its intersection with Navarro Way; located at 44100 Stornetta Drive Manchester; APNs: 131-110-40 and 131-110-47.

TOTAL ACREAGE:

Lot #	Owner(s)	APN	Acreage Before	Acreage After
A	Walter Stornetta	131-110-47	2.4±	2.3±
B	David Stornetta	131-110-40	71.4±	71.5±

GENERAL PLAN: Range Lands (RL:160)

ZONING: Range Lands (RL:160)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: KEITH GRONENDYKE

BACKGROUND

PROJECT DESCRIPTION: Boundary Line Adjustment to reconfigure 4,356± square feet (0.1 acre) between two separate legal parcels so the existing fence/property line matches the existing section line more accurately. Parcel A (APN: 131-110-47) will decrease from 2.4± acres to 2.3± acres and Parcel B (APN: 131-110-40) will increase from 71.4± acres to 71.5± acres.

SITE CHARACTERISTICS: The subject parcels are located in the Coastal Zone, approximately 5 miles north of Manchester, Parcel A is triangular in shape and fronts along State Route 1. It is undeveloped and

vegetation consists of coastal grass and small shrubs along the State Highway. Parcel B consists of coastal grasses, shrubs and small trees. It also is undeveloped. It appears to be used for cattle grazing. The western property line of Parcel B ends at the Pacific Ocean. Access to both parcels is from a gated driveway with a paved turnout along State Route 1. Both parcels are located within the Elk Community Services District.

RELATED APPLICATIONS: There are no related applications.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Agricultural (AG: 60)	Agricultural (AG 60)	54± acres , 5± Acres	Vacant and Residential
EAST	Range Lands (RL: 160)	Range Lands (RL 160)	159± Acres	Agricultural
SOUTH	Range Lands (RL: 160)	Range Lands (RL 160)	17± Acres and 7.2± Acres	Vacant
WEST	None	None	63.78 million square miles	recreation

PUBLIC SERVICES:

Access: State Route 1
 Fire District: Elk Community Services District / Cal Fire
 Water District: None
 Sewer District: None

AGENCY COMMENTS: On October 5, 2021, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in the conditions of approval. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Response
Building Division (Fort Bragg)	No Comment
Assessor	No Response
California Department of Fish and Wildlife (CDFW)	No Response
California Coastal Commission	No Response
Elk Community Services District	No Response
Agriculture Commissioner	No Response
Cal Fire – Prevention	No Response
Cal Fire – Resource Management	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

- 1. General Plan and Zoning Consistency:** The proposed boundary line adjustment and subject parcels are subject to the Range Lands General Plan Land Use designation, as well as a Range Lands zoning district, and is specifically subject to a 160 acre minimum parcel size. Neither parcel currently conforms to the acreage minimum but are considered legal nonconforming in terms of parcel size. Furthermore, the proposed boundary line adjustment does not entail any additional development or change in existing agricultural activities that would be inconsistent with the General Plan or zoning district.
- 2. Division of Land Regulations:** The proposed boundary line adjustment was reviewed by the County of Mendocino Subdivision Committee on February 10, 2022, at which time the Committee made recommendations concerning approval of the project to the Coastal Permit Administrator per the

required findings of Mendocino County Code Section 17-17.5. No conflicts with the Division of Land Regulations were identified at the meeting.

- 3. Natural Resources:** The proposed boundary line adjustment does not exhibit environmentally sensitive habitat areas. The proposed boundary line adjustment does not entail any physical changes and all future development will be subject to Coastal Development Permit requirements. As noted above, both parcels are vacant with Parcel B being utilized for cattle grazing.

COASTAL POLICY CONSISTENCY REVIEW: Staff reviewed the project relative to coastal issues and determined the following:

1. The boundary line adjustment will not result in a change of density as no structures are changing parcels. Additionally, the proposed boundary line adjustment does not provide for future divisions beyond that which currently exist;
2. The boundary line adjustment will not create any new parcels. The proposed boundary line adjustment only slightly changes the property lines between the two subject parcels;
3. Parcel B subject to the adjustment is partially situated within an environmentally sensitive habitat area, but the proposed boundary line adjustment will not impact said biological resources;
4. No substandard lot will result from the adjustment that creates an undevelopable parcel as both parcels are vacant and the minimal adjustment of 4,356 feet will not reduce either parcel as to be undevelopable;
5. The properties subject to the adjustment are in an area designated Marginal Water Resources identified in the Mendocino County Coastal Groundwater Study, and is consistent with the study;
6. Any future development will require a Coastal Development Permit, unless determined to be exempt;
7. The project is located within a designated "Highly Scenic" area, but the small size of the adjustment close to State Route 1 will not affect this area designation;
8. The project is an appealable project, as it is a boundary line adjustment and therefore is required to be processed as a Coastal Development Standard Permit.

ENVIRONMENTAL RECOMMENDATION: The project is Categorically Exempt under Class 5a, pursuant to California Code of Regulations Section 15305; therefore no further environmental review is required.

COASTAL ELEMENT CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan's Coastal Element. Each section within Coastal Element Chapter 3 was reviewed for policies related to boundary line adjustments and are discussed below.

Policy 3.1-32 discusses the prohibition of a boundary line adjustment if it was located within an ESHA and (1) creates a parcel entirely within an ESHA, or (2) would result in a parcel that does not have adequate building site locations. The proposed boundary line adjustment is consistent with this policy as neither of the resulting parcels would be located entirely within an ESHA. Furthermore, the subject parcels are vacant and have adequate space available for future development if necessary.

Policy 3.5-3 discusses the necessity of visual resource impact analysis for development in areas designated as "Highly Scenic." The small (4,346 feet) transfer of land will not affect the highly scenic designation of either parcel. It is only to adjust the existing section line of the property descriptions to an existing fence/property line that is constructed between the two adjoining properties. Additionally, no development is proposed.

Policy 3.8-7 discusses the requirement for adequate utilities prior to the approval of a boundary line adjustment. The subject parcels of the proposed boundary line adjustment have not been developed. It would be a requirement of the development of residential structures to show adequate potable water and

proof of sewage disposal on each parcel. There are no county water or sewer districts available to either parcel. Therefore, the proposed boundary line adjustment is consistent with this policy.

RECOMMENDED MOTION

The Coastal Permit Administrator approves Coastal Development Boundary Line Adjustment B_2021-0050, subject to the following conditions of approval, finding that the application and supporting documents and exhibits contain sufficient information and conditions to establish, as required by the Coastal Zoning Code, that:

1. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(1), the proposed project is in conformance with the Coastal Element and its policies discussed in this report. The proposed boundary line adjustment is consistent with all applicable policies that apply to boundary line adjustments; and,
2. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(2), the proposed project will be provided with adequate utilities, access roads, drainage, and other necessary facilities when any residential development is proposed. The proposed boundary line adjustment does not change any utilities (including future water provisions, septic systems, and leach fields) between the two subject parcels and State Route 1 remains the primary access for both parcels; and,
3. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Mendocino County Coastal Zoning Code and preserves the integrity of the zoning district. The proposed boundary line adjustment will change the property line between two parcels within the RL zoning district to better align an existing fence/property line with the Section line of the parcels. Both parcels are currently below the prescribed minimum lot size for the RL zoning district, and are therefore considered legal non-conforming lots. The proposed boundary line adjustment would not result in the creation of any new non-conforming lot beyond those that already exist; and,
4. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(4), the proposed project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA). The proposed boundary line adjustment was found to be categorically exempt from the provision of CEQA under a Class 5(a) exemption; and,
5. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(5), the proposed project will not have any adverse impacts on any known archaeological or paleontological resource. The proposed boundary line adjustment does not include any ground disturbing activities that would impact archaeological or paleontological resources. Additionally, as the project is categorically exempt from CEQA, the proposed boundary line adjustment is not subject to additional archaeological survey requirements per Mendocino County Code Section 22.12.050(A); and,
6. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed adjustment. The proposed boundary line adjustment does not impact the availability or delivery of public services. Neither parcel is developed with septic systems or potable water wells, as the parcels are both vacant and,
7. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(A)(2), the proposed project is compatible with the long-term protection of resource lands. The proposed boundary line adjustment is intended to align the existing Section line with the existing fence/property line.
8. Pursuant to Mendocino County Coastal Zoning Code Section 20.532.100(B)(2), the proposed project will not result in the conversion of Non-Prime Williamson Act Contracted lands to a non-agricultural use. While located in lands under Williamson Act Contracts, the proposed boundary line adjustment does not include any development that would impact or otherwise convert the existing agricultural lands and activities.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This application is valid for 24 months from the effective date. No extensions can be granted.
2. That for each proposed adjusted parcel provide one perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
3. That each transfer of real property be by means of a quit claim deed containing the following wording to be contained within the legal description:

"Any and all lands and any and all interest thereto lying within the following described real property (perimeter description of the adjusted parcel(s))."

And,

"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B_2021-0050 and is intended to create no new parcel."

4. Per Mendocino County Code Section 17-17.5(I) (2):

"That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made."

The enclosed **Certificate of the Official Redeeming Officer form** must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.

5. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
6. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
7. A note shall be placed on the deeds and/or legal descriptions stating that *"Future development may require additional studies and/or may be subject to restrictions"* and that *"Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."*
8. A note shall be placed on the deeds and/or legal descriptions stating, *"The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or an encumbrance to the subject properties."*

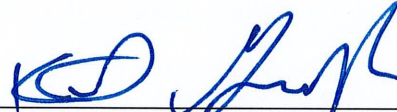
Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. **DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).**

PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).

NOTE: APPLICANTS OR OTHER PERSONS WHO ARE DISSATISFIED WITH A DECISION OF THE COASTAL PERMIT ADMINISTRATOR FOR A COASTAL DEVELOPMENT PERMIT FOR A BOUNDARY LINE ADJUSTMENT MAY APPEAL THE ACTION TO THE BOARD OF SUPERVISORS. AN APPEAL MUST BE MADE IN WRITING ALONG WITH THE APPLICABLE FEE TO THE CLERK OF THE BOARD OF SUPERVISORS WITHIN TEN (10) DAYS OF THE COASTAL PERMIT ADMINISTRATOR'S DECISION. THE APPEAL ISSUE WILL BE PLACED ON THE NEXT AVAILABLE BOARD OF SUPERVISOR'S AGENDA FOR CONSIDERATION, AND THE APPELLANT WILL BE NOTIFIED OF THE TIME AND DATE. APPEALS TO THE BOARD OF SUPERVISORS DO NOT NECESSARILY GUARANTEE THAT THE COASTAL PERMIT ADMINISTRATOR'S DECISION WILL BE OVERTURNED. IN SOME CASES, THE BOARD OF SUPERVISORS MAY NOT HAVE THE LEGAL AUTHORITY TO OVERTURN THE DECISION OF THE ADMINISTRATOR.

12-27-21

DATE



KEITH GRONENDYKE
PLANNER III

Appeal Period: 10 Days

Appeal Fee: \$1,616.00

ATTACHMENTS:

- | | |
|--|--|
| A. Location Map | Areas |
| B. Aerial Map (Regional) | M. Wildland-Urban Interface Zones |
| C. Topographic Map | N. Wetlands |
| D. Tentative Map | O. Slope |
| E. Zoning Display Map | P. Western Soil Classes |
| F. General Plan Classifications | Q. Lands in Williamson Act Contracts |
| G. LCP Land Use Map 22: Mallo Pass Creek | R. Farmland Classifications |
| H. LCP Land Capabilities & Natural Hazards | S. Crop Types |
| I. LCP Habitats & Resources | T. Highly Scenic and Tree Removal Areas |
| J. Appealable Areas | U. Ground Water Resources |
| K. Adjacent Parcels | V. Assessor Sheet for APN 131-110-40, 47 |
| L. Fire Hazard Zones & Responsibility | |